

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

THE HIPSAVER COMPANY, INC.,

Plaintiff / Counterclaim Defendant,

V

J.T. POSEY COMPANY,

Defendant / Counterclaim Plaintiff.

Civil Action No. 05-10917 PBS

HIPSAVER'S MOTION *IN LIMINE* TO EXCLUDE OPINION TESTIMONY OF GARY REICH

The plaintiff, HipSaver Company, Inc. (“HipSaver”), moves *in limine* to exclude evidence of the opinions of Gary Reich as not based on sufficient facts or data, not based on reliable principles and methods, and unhelpful to the jury.

HipSaver submits a memorandum in support of this motion.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I hereby certify that on May 10 and 14, 2007, counsel for HipSaver and counsel for Posey conferred by telephone in a good faith attempt to resolve or narrow the issues presented in this motion but were unable to reach agreement.

Respectfully submitted
The HipSaver Company, Inc.
By its Attorneys,

/s/ Courtney M. Quish

Lee Carl Bromberg, BBO No.: 058480

Edward J. Dailey, BBO No.: 112220

Courtney M. Quish, BBO No.: 662288

BROMBERG SUNSTEIN, LLP

125 Summer Street - 11th floor

Boston, Massachusetts 02110-1618

617.443.9292

617.443.0004 Fax

cquish@bromsun.com

May 15, 2007

CERTIFICATE OF SERVICE

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

/s/ Courtney M. Quish

Courtney M. Quish

02820/00502 666072.1